

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

WHITNEY NATIONAL BANK

Plaintiff,

v.

THOMAS J. MILLS and SAFETY GUIDE
OF ALABAMA, LLC.

Defendants.

Case No.: 2:07-CV-414-MEF

CONSOLIDATED DISCOVERY REQUESTS TO PLAINTIFF

Comes now the defendant, Thomas J. Mills, by and through undersigned counsel,
and for compliance with Rule 26(a)(1) states as follows:

1. Produce a legible copy of the front and back of each check/instrument referenced in your Complaint.
2. Produce a legible photocopy of the front and back of each and every check honored by you on behalf of your customer, Highway Solutions, LLC from the funds upon which this lawsuit is based. Additionally, please produce sufficient information about each check to identify whether that check was subsequently dishonored and, if so, whether the sums represented by those checks have ever been reimbursed or re-deposited with Whitney Bank.
3. Produce any and all documentation evidencing any and all communication of whatsoever nature from Safety Guide to Whitney Bank evidencing Safety Guide's disavowance of its liability for the \$150,000.00 check referenced at paragraph 9 of your First Amended Complaint.

4. Identify each and every witness and the substance of that witness's testimony who has knowledge pertinent to the immediately preceding discovery request.

5. State in as much detail as you are able the facts or circumstances upon which you base the potential contentions set out in paragraph 18 of your First Amended Complaint.

6. State in explicit detail all of the verbal utterances you claim were made by Tom Mills upon which you base the contention that Mr. Mills 1) is liable "for uttering" a check; 2) "made a false statement;" 3) "assured Whitney Bank about the funds in the account for the \$150,000.00 check;" and 4) had "a duty to disclose such facts because of the earlier statements he had made, the relationship of the parties and the particular circumstances."

Respectfully Submitted,

/s/ Jack B. Hinton, Jr.
Jack B. Hinton, Jr. (HIN020)
Attorney for the Defendant Thomas J. Mills

OF COUNSEL:
Gidiere, Hinton, Herndon & Christman
P.O. Box 4190
Montgomery, AL 36103
(334) 834-9950

CERTIFICATE OF SERVICE

I hereby certify that the above and foregoing was served on the following by placing a copy of same in the United States mail, postage prepaid and properly addressed this 6th of November, 2007.

Gregory C. Cook
BALCH & BINGHAM LLP
1710 6th Avenue North
P. O. Box 306
Birmingham, AL 35201-0306

/s/ Jack B. Hinton, Jr.
Jack B. Hinton, Jr.